

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TCYK, LLC,)	
)	
)	Case No.: 13-cv-1022
Plaintiff,)	
)	
v.)	
)	
DOES 1-35,)	
)	
Defendants.)	

**PLAINTIFF’S RESPONSE TO DOE 18’S
MOTION TO QUASH SUBPOENA [Document #: 8]**

Doe 18’s motion to quash the subpoena appears to be based on privacy concerns and a claim that, because Doe 18 has an alleged “unsecured Wi-Fi,” Doe 18 may not have illegally downloaded the movie.

To the extent Doe 18 has any concerns about the potential misuse of the identifying information, Doe 18 fails to provide any evidence demonstrating that Plaintiff has or will misuse the identifying information. Moreover, to the extent Doe 18 is claiming that disclosure of any identifying information would constitute a violation of privacy, such a claim is not valid because Doe 18 does not have a legitimate expectation of privacy to information that was voluntarily disclosed to the ISP. *TCYK, LLC v. Does 1-34*, No. 13-C-539 (E.D. Wis. July 25, 2013) (citing *Achte/Neunte Boll Kino Beteiligungs Gmbh & Co. v. Does 1-4*, 736 F. Supp. 2d 212, 216 (D.D.C. 2010) (“[C]ourts have held that Internet subscribers do not have an expectation of privacy in their subscriber information as they already have conveyed such information to their Internet Service Providers.”); *BKGTH Productions v. Does 1-14*, No. 13-cv-667 (E.D. Wis. August 12, 2013) (same); *TCYK, LLC v. Does 1-38*, No. 13-cv-554 (E.D. Wis. August 16, 2013) (same).

As to the denial of liability based on an alleged “unsecured Wi-Fi,” this argument on the merits is simply not relevant as to the validity or enforceability of the subpoena. *TCYK, LLC v. Does 1-34*, No. 13-cv-539 (E.D. Wis. July 25, 2013) (citing *Achte/Neunte Boll Kino Beteiligungs GmbH & Co. v. Does 1-4*, 736 F. Supp. 2d 212, 215 (D.D.C. 2010) (“[T]he merits of this case are not relevant to the issue of whether the subpoena is valid and enforceable.”); *BKGTH Productions v. Does 1-14*, No. 13-cv-667 (E.D. Wis. August 12, 2013) (same); *TCYK, LLC v. Does 1-38*, No. 13-cv-554 (E.D. Wis. August 16, 2013) (same).

Thus, Plaintiff respectfully requests that the Court deny Doe18’s motion to quash so that the claims against Doe 18 may be advanced.

DATED: December 13, 2013

Respectfully submitted,

TCYK, LLC

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